

TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST SPECIAL SESSION, 2001

H. B. NO. 12-409

A BILL FOR AN ACT

To amend 1 CMC § 7406(a)(3); and, for other purposes.

**BE IT ENACTED BY THE TWELFTH NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE:**

1 **Section 1. Findings.** The Legislature finds that there are agencies within the
2 Commonwealth charged with the investigation of certain crimes, violations and
3 misconduct, that is not part of the Department of Public Safety. These agencies,
4 including but not limited to the Office of the Public Auditor, the Attorney General's
5 Investigation Unit, Fish & Wildlife and the Department of Labor and Immigration,
6 require the use of unmarked government vehicles with or without tinted windows, for law
7 enforcement purposes. The Legislature therefore finds it is in the best interest of the
8 Commonwealth that the definition of "law enforcement vehicle" be amended to allow
9 other agencies the use of unmarked government vehicles for law enforcement purposes,
10 and to allow the windows on such vehicles to be tinted.

11 **Section 2. Amendment.** 1 CMC § 7406(a)(3) is hereby repealed in its entirety
12 and re-enacted as follows:

13 "§ 7406. Restriction Upon Use of Government Vehicles.

14 (3) "Law enforcement vehicle" means police cars, judicial vehicles,
15 and other such government vehicles used primarily for the enforcement and
16 execution of Commonwealth and federal laws and regulations."

17 **Section 3. Severability.** If any provisions of this Act or the application of any
18 such provision to any person or circumstance should be held invalid by a court of
19 competent jurisdiction, the remainder of this Act or the application of its provisions to

1 persons or circumstances other than those to which it is held invalid shall not be affected
2 thereby.

3 **Section 4. Savings Clause.** This Act and any repealer contained herein shall not
4 be construed as affecting any existing right acquired under contract or acquired under
5 statutes repealed or under any rule, regulation or order adopted under the statutes.
6 Repealers contained in this Act shall not affect any proceeding instituted under or
7 pursuant to prior law. The enactment of the Act shall not have the effect of terminating,
8 or in any way modifying, any liability, civil or criminal, which shall already be in
9 existence on the date this Act becomes effective.

10 **Section 5. Effective Date.** This Act shall take effect upon its approval by the
11 Governor, or its becoming law without such approval.

Date: Aug. 17, 2001

Introduced By: /s/ Rep. Heinz S. Hofschneider

/s/ Rep. Diego T. Benavente

Reviewed for Legal Sufficiency by:

/s/ Patricia Halsell
House Legal Counsel